

TO: Wells Fargo
Attention: Legal Order Processing
MAC D1111-01A
P.O. Box 1416
Charlotte, North Carolina 28201

INSTRUCTIONS TO THE GARNISHEE-DEFENDANT

Attached is a Writ of Continuing Garnishment requesting that you determine whether you have in your possession, custody or control any of the property of the debtor listed therein, or any other property of the debtor's. **You are required by law to serve a written answer to this writ within 10 days of your receipt of this writ for filing with the United States District Clerk, 101 East Pecan Street, Room 216, Sherman, Texas, 75090.** If the debtor is an employee, please state whether or not you anticipate paying the debtor any future payments and whether such payments are weekly, bi-weekly or monthly. You are further required to withhold and retain any property in which the debtor has a substantial non-exempt interest including, but not limited to, account ending in 0420. You are required to prevent dissipation for any reason, including liquidation of the account or by virtue of daily market fluctuations, of any assets in your possession belonging to the debtor. *See* U.S.C. § 3205(c)(6). Under the law, there is property which is exempt from this Writ of Continuing Garnishment. A list of these exemptions which are not subject to the Writ of Garnishment is attached to these instructions entitled Claim for Exemption form.

IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD AND PREVENT DISSIPATION OF PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THE AMOUNT OF THE DEBTOR'S NONEXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD AND/OR ALLOWED TO DISSIPATE FOR ANY REASON. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AMERICA IF THE

UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN
EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.

Pursuant to 15 U.S.C. § 1674, Garnishee-Defendant is prohibited from
discharging the Judgment-Defendant from employment by reason of the fact that his
earnings have been subject to garnishment for any one indebtedness.

If you have any additional questions, please call Assistant United States
Attorney, Robert Austin Wells, at telephone number (903) 590-1400, or by mail to:
United States Attorney's Office, Financial Litigation Program, 110 North College,
Suite 700, Tyler, Texas 75702.

CLAIM FOR EXEMPTION FORM
EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- ☐ **1. Wearing apparel and school books.** Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family. See 26 U.S.C. § 6334(a)(1).
- ☐ **2. Fuel, provisions, furniture, and personal effects.** So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed **\$9,790** in value. See 26 U.S.C. § 6334(a)(2).
- ☐ **3. Books and tools of a trade, business, or profession.** So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$4,890** in value. See 26 U.S.C. § 6334(a)(3).
- ☐ **4. Unemployment benefits.** Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico. See 26 U.S.C. § 6334(a)(4).
- ☐ **5. Undelivered mail.** Mail, addressed to any person, which has not been delivered to the addressee. See 26 U.S.C. § 6334(a)(5).
- ☐ **6. Certain annuity and pension payments.** Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code. See 26 U.S.C. § 6334(a)(6).
- ☐ **7. Workmen's Compensation.** Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico. See 26 U.S.C. § 6334(a)(7).

- ____ 8. **Judgments for support of minor children.** If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment. See 26 U.S.C. § 6334(a)(8).
- ____ 9. **Certain service-connected disability payments.** Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under—(A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 12, 21, 23, 31, 32, 34, 25, 27, or 39 of such Title 38. See 26 U.S.C. § 6334(a)(10).
- ____ 10. **Assistance under Job Training Partnership Act.** Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act. See 26 U.S.C. § 6334 (a) (12).

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

____ I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

(_____) or telephonically at (_____)
 Address Phone No.

Debtor's printed or typed name

Signature of debtor

Date